

**PRESIDIO OF SAN FRANCISCO  
RESTORATION ADVISORY BOARD**

**CHARTER & BYLAWS  
AMENDED AND RESTATED**

ADOPTED  
**OCTOBER 14, 2003**

Submitted by:

**Rules Committee  
Presidio of San Francisco  
Restoration Advisory Board**

# **Presidio of San Francisco Restoration Advisory Board Charter & Bylaws**

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# Presidio of San Francisco Restoration Advisory Board

## CHARTER & BYLAWS

### PREAMBLE

**A. BACKGROUND:** The Presidio of San Francisco was a U.S. Army military base from 1848 to 1994. In 1988, the Department of Defense began military base closure and conversion activities at the Presidio as part of the Base Realignment and Closure (BRAC) program. In 1993, Congress created Restoration Advisory Boards when it enacted the Defense Environmental Restoration Program (DERP). DERP directed the Department of Defense to provide Restoration Advisory Boards at closing military bases. In 1994, the members of the Presidio's existing Technical Review Committee became founding members of the Presidio's new Restoration Advisory Board (RAB). The new RAB developed and approved the 1994 Charter & Bylaws in conjunction with the U.S. Army, which at that time was responsible for the environmental restoration of the former Presidio military base. The Presidio became a national park, part of the Golden Gate National Recreation Area, in 1994.

**B. REASON FOR AMENDMENT:** Three agencies have responsibility for the environmental restoration of the Presidio; the U. S. Army, the National Park Service, and the Presidio Trust. The Presidio Trust (formed in 1997) assumed Lead Agency status for the environmental restoration on May 24, 1999 (as formalized in a trilateral Memorandum of Agreement, dated May 24, 1999, among the U. S. Army, National Park Service and Presidio Trust). In June 1999, the Restoration Advisory Board determined that the 1994 Charter & Bylaws needed amendment to reflect the transfer of Lead Agency status from the Army to the Presidio Trust. Therefore on January 11, 2000, the Restoration Advisory Board amended the Charter and Bylaws to reflect this transfer and make other changes to improve the effectiveness of the Board. In October 2003, the Board approved minor amendments to the Charter and Bylaws by adopting these Amended and Restated Charter and Bylaws (hereafter the "Charter and Bylaws").

### C. DEFINITIONS & ABBREVIATIONS:

**AGENCY** = Federal, state or local government organization (i.e., Presidio Trust, NPS, Army, EPA, DTSC, RWQCB, and other agencies). The **Lead Agency** is the principal agency responsible for the Presidio environmental restoration program.

**CCSF** = City and County of San Francisco

**CERCLA** = Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended

**CLEAN-UP** = Activities to protect human health and the environment from hazardous substances

**DTSC** = California Department of Toxic Substance Control

**DOD** = U.S. Department of Defense, including the U. S. Army

**EPA** = U.S. Environmental Protection Agency

**NPS** = U.S. Department of Interior's National Park Service

**TRUST** = Presidio Trust, the federal government corporation created by Act of Congress in 1996, for the purpose of developing and administering the Presidio of San Francisco as a national park in accordance with the Trust Act (16 U.S.C. 460bb appendix).

**PSF** = Presidio of San Francisco

**RAB** = Presidio of San Francisco Restoration Advisory Board

**RWQCB** = California Regional Water Quality Control Board, San Francisco Bay Region (Region 2)

# **Presidio of San Francisco Restoration Advisory Board**

## **CHARTER**

### **Article I. NAME and AUTHORITY**

**NAME:** The name of the organization is "The Presidio of San Francisco Restoration Advisory Board," commonly known as the "Restoration Advisory Board" or "RAB."

**AUTHORITY:** When the Presidio of San Francisco was designated for military base closure, formation of the Restoration Advisory Board was authorized pursuant to the following:

- a. Site Specific Advisory Boards in the 1998 Recommendations of the Federal Facilities Environmental Restoration Dialogue Committee;
- b. Defense Environmental Restoration Program (DERP) 10 U.S.C. 2705(c);
- c. President's July 2, 1993 Five-Part Program;
- d. DOD's September 9, 1993 policy memorandum on "Fast Track" clean-up initiatives;
- e. DOD's April 14, 1994 FY 94/95/96 Defense Environmental Restoration Management Guidance;
- f. U.S. EPA and California DTSC Restoration Advisory Board Guidance;
- g. Community Advisory Groups in California Senate Bill 47 (Senator Sher 1999) sec. 25358.7.1.

The Restoration Advisory Board was established at the community's request in 1994. The RAB has sustained significant community interest and involvement since that time. After the Presidio's conversion to a National Park, enactment of the Trust Act, and creation of the Trust, the Presidio RAB continues to be authorized by the Memorandum of Agreement (MOA) among the Army, Presidio Trust and National Park Service, dated May 24, 1999. The May 24, 1999 MOA establishes the Presidio Trust as the Lead Agency and preserves the RAB to continue its service to the community.

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### **Article II. MISSION**

The Restoration Advisory Board is the principal forum where the people who reflect the diverse interests within the local community can meet with representatives of the Presidio Trust, U.S. Army, NPS, EPA, RWQCB, DTSC and other agencies to discuss and exchange information about the environmental restoration program at the Presidio of San Francisco. The purpose of the Restoration Advisory Board is to create an open and interactive partnership through which communities, agencies and public stakeholders work to produce consensus decisions that restore the environment while incorporating the interests of the Trust as Lead Agency as well as the needs and acceptance of the local community. The Restoration Advisory Board facilitates the early and continued flow to the community of information necessary for responsible decision-making. The Restoration Advisory Board is intended to complement other community involvement efforts and not replace them.

### **Article III. DUTIES**

The duties and responsibilities of the Presidio of San Francisco Restoration Advisory Board are:

1. Whereas legislation and guidance creates opportunities for the public to provide advice, the RAB will give advice to the Presidio Trust, NPS, U.S. Army and appropriate regulatory agencies during decision-making activities relating to the environmental restoration of the Presidio of San Francisco. This advice may be communicated by individual members, groups of members or a consensus of members in a variety of formats including comments either written or presented orally.
2. Whereas the protection of public health and the environment is a serious community concern, the RAB will consider all issues introduced by its members and the general public that are current, future or potential threats to human health and the environment, and their impact on the approved reuse plan and on the community. Pertinent subjects and concerns may include issues defined by CERCLA along with the following: asbestos-containing materials, lead-based paint, radiological-biological-chemical substances, contents of landfills, unexploded ordnance, depleted uranium, pesticides, herbicides, military batteries, magazines, missile facilities, above-ground storage tanks, underground storage tanks, and other environmental issues of concern to the community.
3. Whereas the examination of facts and findings is essential to giving sound advice, the RAB will review, evaluate and comment on environmental clean-up project reports, work plans, budgets, schedules and other documents. Completion of these tasks requires access to a variety of technical data and documents relevant to the cleanup decision-making process and the allowance of normal review periods as specified by DTSC Guidance. The RAB anticipates the cooperation of the Trust in meeting these requirements and will be diligent in actively seeking that cooperation and in requesting the provision of documents and other data and extensions of review periods when necessary.
4. Whereas the community provides environmental restoration advice, the RAB will identify and recommend environmental clean-up requirements, standards, priorities, schedules and goals for each fiscal year. Meaningful public participation requires that the RAB engage in substantive dialogue with restoration decision-makers before clean-up decisions are made. Community Member representation and input will be included in decision-making meetings as appropriate.
5. Whereas public meetings are essential to meaningful public participation, the RAB will hold regular meetings at convenient times and locations. The meetings will be held at a location agreed upon by members. A complete, corrected transcript of each meeting will be made available to the public through the principal information repository and other means agreed upon by the stakeholders.
6. Whereas public participation is fundamental to protecting public health, a Community Relations Plan for the PSF clean-up program will be developed with input from the community. As a means of distributing information, the RAB will develop, maintain and use a mailing list of interested persons, organizations, associations, and community groups that have requested to receive information.
7. Whereas public participation is a dynamic process, the RAB will develop, maintain and amend, as needed, the Bylaws as the operating procedures for membership, public participation, discussion and comment, dispute resolution, communication of information, and other operations of the RAB.

8. Whereas it is essential for community laypersons to understand complex technical data, the Community Members will solicit technical information and support from the Presidio Trust, NPS, U.S. Army, EPA, DTSC, RWQCB, and other agencies to ensure members clearly understand the technical issues involved. The RAB requests that the following types of technical support be provided by the appropriate agency:
    - a. Program presentations, updates, briefings, handouts, and status reports on ongoing restoration programs and site-specific clean-up projects;
    - b. Working groups to explain technical, risk assessment data, models and conclusions, and incorporate community concerns and recommendations into remedial actions as agreed upon by all parties;
    - c. Educational sessions and periodic tours of clean-up sites, particularly for new members who require initial orientation to enable them to perform their duties;
    - d. Prompt responses to questions on technical issues submitted by Community Members.
  9. Whereas a wide range of remedial alternatives have been proposed for contaminated areas of the Presidio, the RAB will interact with the Lead Agency or other land use planning bodies to discuss future land use issues relevant to environmental restoration decision-making. The RAB will review documentation related to the transfer and reuse of property as necessary for its input into the cleanup decision-making process.
  10. Whereas environmental justice is a serious concern to the RAB Community Members, RAB Community Members will seek to ensure that clean-up activities at the PSF are consistent with Executive Order 12898 (February 11, 1994) on Environmental Justice.
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## **Presidio of San Francisco Restoration Advisory Board**

# **BYLAWS**

The following Bylaws present procedures that govern the organization and internal affairs of the Presidio of San Francisco Restoration Advisory Board.

### **Article IV. MEMBERSHIP**

**IV-A. REPRESENTATIVES:** Membership in the Restoration Advisory Board is open to persons affected by the closure and conversion of the PSF military base, along with anyone interested in the environmental clean-up at the Presidio of San Francisco. Interested parties could include community residents and representatives from neighborhood associations, special interest groups, the business community, local environmental groups, tribes, homeowners associations, diverse economic and ethnic groups, and other civic groups. Government and regulatory agencies, including representatives from the Presidio Trust, National Park Service, U.S. Army, EPA, DTSC, RWQCB and other agencies may participate.

There shall be two categories of membership as described below:

1. **COMMUNITY MEMBERS:** Community Members may be individuals who are interested in the environmental clean-up of the PSF or representatives of community or environmental organizations that are interested in the clean-up. A community or environmental organization may nominate a

representative for membership and an alternate representative, who may serve in the absence of the representative. The number of Community Members should be large enough to reflect the community's diversity, yet of a size capable of fulfilling their responsibilities in a reasonably manageable way. There shall be a minimum of 20 and a maximum of 30 Community Members, provided, however, that the maximum number may be increased at any time if: (1) a majority of the Membership Committee votes to recommend an increase in the maximum; and (2) at the next following RAB meeting, a majority of Community Members present at the meeting votes to approve the Membership Committee's recommendation. Each Community Member shall have one vote on issues voted upon at RAB meetings. A Community Member shall serve a minimum two-year term. Nominees for Community Member or Alternate Community Member shall be subject to the selection procedures set forth in these Bylaws.

2. **AGENCY MEMBERS:** The Presidio Trust, U.S. Army, NPS, EPA, DTSC, and RWQCB may each have one member. Other agencies may apply for membership and, if approved by a two-thirds vote of all voting members present at a meeting, each shall be entitled to have one member. Each Agency Member shall have one vote. Agency Members shall be appointed by their agencies for terms determined by each agency, subject to replacement and termination at the will of the agency. At the agency's discretion, an alternate member may be appointed to serve in the absence of the regular Agency Member.

**IV-B. ADDITION OF NEW MEMBERS:** Nominees for RAB membership shall be subject to the following selection procedures:

1. **COMMUNITY MEMBERS:** Community Members and Alternate Community Members may be added at any time. Community membership is determined through the following application and review procedure with membership subject to approval by the Community Members.
  - a. An application for membership shall be submitted to the Membership Committee Chairperson by the Presidio Trust, the point of contact for application submittal.
  - b. The Membership Committee shall review each application and determine, by majority vote of all committee members, whether to recommend the applicant for membership.
  - c. If there is unfilled community membership positions that the Membership Committee determines should be filled, the Membership Committee Chairperson shall deliver to all Community Members who are present at a regular monthly RAB meeting a report of the Membership Committee stating the name and a brief summary of the qualifications of each applicant the committee recommends for membership. Candidates will be invited to attend that RAB meeting and to introduce themselves as prospective members.
  - d. At the next regular monthly RAB meeting a vote shall be taken to determine whether an applicant shall be accepted for membership. A two-thirds vote of those Community Members present shall be required for approval of an applicant for membership.
  - e. If there are no unfilled Community Membership positions or if the Membership Committee shall determine that additional members are not then required, the committee shall establish and maintain an eligibility list of those applicants who are qualified, but have not yet been proposed for membership.
2. **AGENCY MEMBERS:** Agency Members may be appointed and replaced only at the individual agency's discretion and authority.



#### **IV-C. RESPONSIBILITIES**

- 1. COMMUNITY MEMBERS:** Community Members represent an important component in the clean-up program. They have a direct responsibility to represent the interests and concerns of their constituents, and of the community as a whole. The responsibilities of Community Members shall include the following:
  - a. Regularly attending RAB meetings, committee meetings and participating in reviewing the PSF clean-up program.
  - b. Giving advice and comment on the clean-up effort and environmental restoration program.
  - c. Regularly reporting back to the constituency (e.g., organization, group, association, tribe and community) they represent. Members are responsible for soliciting comment and opinion from their constituents on clean-up issues.
  - d. Providing for the distribution of environmental clean-up information to and from the constituency they represent.
  - e. Reviewing and providing comments on documents related to the clean-up effort on the PSF.
- 2. AGENCY MEMBERS:** Agency Members represent an important part of the clean-up program. They have a direct responsibility to meet their statutory and regulatory mandates and to maintain an awareness of the interests and concerns of the community as a whole. The responsibilities of Agency Members shall include the following:
  - a. Attending meetings and providing their agency's position and reasoning regarding the clean-up issue under review and discussion. Agency Members will make best efforts to facilitate flexible and innovative resolutions of environmental issues and concerns.
  - b. Reviewing and providing comments on documents relative to the clean-up effort. RAB Community Members may request that Agency Members provide these comments for assistance in formulating their own comments.
  - c. Informing Community Members of agency positions concerning the clean-up of the PSF. Agency Members serve as an information, referral and resource bank for communities regarding the Presidio's restoration. Agency Members will make best efforts to provide timely and accurate information to Community Members.
  - d. Ensuring that applicable, relevant and appropriate environmental standards and regulations are identified and addressed as part of the Presidio's environmental restoration program.
  - e. Maintaining a close working relationship with the Community Members. Agency Members will make best efforts to ensure that community input, involvement and acceptance is actively solicited and considered in clean-up decision-making.

**IV-D. COMPENSATION:** Community Members and the presiding officer shall serve in a voluntary capacity without compensation.

**IV-E. CONFLICT OF INTEREST:** A conflict of interest shall exist if an issue is brought before the RAB, or any of its committees or subgroups, for discussion or vote and the outcome of the discussion or vote could result in financial gain, either direct or indirect, to a Community

Member or any of that member's relatives or, if within the actual knowledge of the Community Member, to any organization the member represents or in which he or she is an active participant or to individual persons or entities within any such organization. A Community Member must immediately disclose to the RAB any conflict of interest at the time such conflict becomes known to the Community Member. A Community Member shall not participate in discussions of or deliberations on motions and shall not vote if the issue, motion or vote constitutes a conflict of interest for that Community Member.

**IV-F. LEAVES OF ABSENCE:** Community Member may take one leave of absence of up to 90 days during each two-year period by delivering to the Membership Committee Chairperson or the Community Co-Chair, a written notice specifying the dates of the proposed leave of absence. During any such leave of absence, the member's position shall be deemed vacant under the bylaw provisions governing attainment of a quorum and rules on voting and motions. Additional leaves of absence or leaves of absence for longer periods must be requested in writing addressed to the Membership Committee and delivered to the Membership Committee Chairperson or the Community Co-Chair and shall be granted only if: (1) a majority of the Membership Committee votes to recommend granting the leave; and (2) at the next following RAB meeting, a majority of the Community Members present at the meeting votes to approve the Membership Committee's recommendation. Any such approval of a request for leave of absence shall be subject to the following conditions: (1) during the leave of absence, the member's position shall be deemed vacant for all purposes under these bylaws, including, without limitation, attainment of a quorum, rules on voting and motions, and addition of new members; and (2) upon expiration of the leave, the member may be reinstated as an active Community Member only if there are fewer than the maximum allowed number of Community Members serving on the RAB at that time.

**IV-G. RESIGNATION & TERMINATION:**

1. **RESIGNATION:** A Community Member may resign at any time by informing the Community Co-Chair or Agency Co-Chair of his or her election to resign, preferably in writing. A resigning Community Member may nominate a new member as a replacement by written notification to the Community Co-Chair, and such nominee will be considered pursuant to the membership procedures at Section IV-B.1 of these Bylaws.
2. **TERMINATION:** Regular attendance at meetings is necessary to ensure ongoing and consistent involvement by Community Members. The procedure for termination of a Community Member is as follows:
  1. Unless a leave of absence has been approved pursuant to these Bylaws, the absence of a Community Member from three consecutive regular RAB meetings, or from four regular meetings in any calendar year, or the censure of a Community Member as provided in these Bylaws, shall be cause for termination.
  2. In any such event, the Community Co-Chair will prepare notice of termination and cause it to be sent to the member by regular U.S. mail delivery to the member's address listed in the membership roster.
  3. A member notified in writing of termination may appeal within 35 days after mailing of the termination notice by sending the Community Co-Chair a request in writing for reinstatement of membership. Reinstatement of membership must be approved by a majority vote of Community Members present at a regular RAB meeting.

4. If the member does not appeal within 35 days after mailing of the termination notice, or if the appeal is not approved by a majority vote of Community Members, the termination stands and no further appeal is allowed.
  3. **AGENCY MEMBERS:** An Agency Member may be appointed, replaced or terminated at the individual agency's discretion and authority.
- IV-H. CENSURE:** Censure is an extreme measure to be used judiciously only in cases of severe disruption to RAB operations or violation of the Bylaws. The procedure for censure of a member is as follows:
1. Any RAB Member may be censured for unbecoming or inappropriate conduct by a two-thirds vote of the voting members present at a meeting.
  2. A censured Community Member shall be terminated as a member pursuant to the termination provisions in these Bylaws.
  3. A censured Agency Member is not subject to termination. However, a letter requesting that a censured Agency Member be replaced and explaining the circumstances may be sent to the Agency Member's manager.
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## **Article V. OFFICERS**

- V-A. CO-CHAIRS:** The RAB shall have two Co-Chairs [the Community Co-Chair and the Agency Co-Chair] who shall serve as officers. The Community Members shall elect the Community Co-Chair. The Lead Agency shall appoint an Agency Co-Chair.
- V-B. ELECTION OF OFFICERS:** Nominations for the Community Co-Chair shall be solicited from Community Members and the Membership Committee. Candidates must be aware of the general duties and responsibilities of the office, be committed to serve as the focal point for community outreach, and be prepared to report to the community as a whole. The Community Co-Chair shall each be elected by a majority vote of the Community Members present at a regular meeting.
- V-C. TERM OF SERVICE:** The Community Co-Chair shall serve for a term of one year. After one year, the Community Co-Chair serves on a month-to-month basis until replaced by an election that must be held if a petition requesting an election is submitted by at least five Community Members. Notwithstanding these provisions, a Community Co-Chair may be terminated at any time by (1) voluntary resignation or (2) recall by the Community Members. The Agency Co-Chair shall be appointed, replaced or terminated at the sole discretion of the Lead Agency.
- V-D. DUTIES OF THE COMMUNITY CO-CHAIR:** In order to promote the official activities of the RAB, the elected Community Co-Chair shall perform the following duties:
1. Preside over meetings or delegate the responsibility, subject to these bylaws, to a Facilitator or Agency Co-Chair.
  2. In close coordination with the Agency Co-Chair, prepare and assist in distributing a meeting announcement and agenda prior to each regular and special RAB meeting.
  3. Assist the Agency Co-Chair in providing documents in a timely manner to the RAB and its committees on request.

4. Serve as the focal point for community outreach and report back to the community as a whole on environmental clean-up issues.
5. Ensure that community issues and concerns relating to clean-up are included in the meeting agenda and such issues receive substantial discussion and deliberation at meetings.
6. Encourage Community Members to participate at all meetings in an open and constructive manner.
7. Represent the Presidio RAB at functions and events.
8. Attend certain Project Status or equivalent meetings, and solicit other Community Members to attend such meetings.
9. Serve as the principal liaison on behalf of the Community Members between the Lead Agency, the appropriate regulatory agencies and the Community Members.
10. When requested by the Agency Co-Chair, meet and confer with him or her regarding specified problems, issues or questions, but this shall not be construed as authorizing the Community Co-Chair to make any decision or take any action binding on the RAB without approval by vote of the RAB members as provided in these Bylaws.
11. Appoint committee members as necessary.
12. Name a "Temporary Community Co-Chair" to perform the duties of the Community Co-Chair during an absence of the Community Co-Chair, provided that such a substitute shall not serve as Temporary Community Co-Chair for longer than 30 days.

**V-E. DUTIES OF THE ALTERNATE COMMUNITY CO-CHAIR:** If a majority of Community Members at a regular monthly RAB meeting shall vote to add an Alternative Community Co-Chair as an officer of the RAB, nominations, election and term of service of such an officer shall be the same as those applicable to the Community Co-Chair. The duties of an Alternate Community Co-Chair, if elected, shall be to support the RAB and the Community Co-Chair, and to serve in the Community Co-Chair's absence by performing the Community Co-Chair's duties as set forth above in section V-D.

**V-F. DUTIES OF THE AGENCY CO-CHAIR:** In order to support the activities of the RAB, the Lead Agency will make best efforts to perform the following duties as administered by the Agency Co-Chair:

1. In close coordination with the RAB Community Co-Chair, prepare and distribute a meeting notice and agenda prior to each regular and special meeting.
2. Organize and provide the necessary administrative support for regular and special meetings of the RAB and of its committees. Provide for a regularly available point of contact, such as a public participation specialist or equivalent administrative staff, for RAB support. For regular and special RAB meetings, supply an appropriate meeting room, a sound system, and various support materials (name tags, name markers, podium, overhead projector, slide projector, as requested). For committee meetings, supply an appropriate meeting room.
3. Provide a complete, corrected transcript of regular monthly and special RAB meetings and ensure that Community Members have timely access to the corrected transcript.

4. Arrange for technical support as requested by the RAB and as agreed upon by all parties; organize the necessary administrative and technical support for working groups approved by the RAB.
5. Provide documents related to the PSF environmental clean-up to the RAB and its committees and make such documents available to the public at public meetings and information repositories.
6. Coordinate the updates and progress reports given at each regular RAB meeting. Keep the community involved and informed on environmental clean-up efforts. Provide and mail a packet of handout materials to absent members as requested following each regular and special meeting.
7. Coordinate the organization and maintenance of the administrative record and information repositories and ensure that official information repositories have updated and current documents available for public review. Provide an information repository that is easily accessible to the public at the Presidio of San Francisco. The repository should contain at a minimum, those current documents relating to the environmental clean-up of the PSF (draft and final technical documents, proposed and final plans, etc.) Repository administrators shall be instructed not to allow the documents to be removed from the premises.
8. Provide Community Members with access to certain Project Status and other equivalent meetings. Provide prior notice to the Community Co-Chair and other regular RAB attendees to such meetings. Provide a copy of handouts and other distributed materials to the Community Members at the meeting. Ensure that the Community Members have the opportunity to participate in the restoration decision-making process.
9. When requested by the Community Co-Chair or Alternate Community Co-Chair, meet and confer with them regarding specified problems, issues or questions.
10. Maintain a mailing list of community neighborhood associations, local media, local environmental groups, local homeowners associations, diverse ethnic and economic groups, community officials, civic groups, interested individuals affected by the closure and conversion of the PSF, and other persons, agencies or interest groups that have expressed an interest in the clean-up effort. The RAB will not release the names, addresses and phone numbers of individuals without the person's prior consent. Maintain a current roster of RAB Members and provide an updated roster quarterly to RAB Members.
11. Provide for public participation by public announcements in local newspapers (including paid notices as necessary) to announce date, time and location of RAB meetings, to solicit new Community Members, and to announce the availability of documents. Provide for news releases, fact sheets, letters, site tours, special focus briefings, etc. as needed, in consultation with Community Members.

**V-G. RECALL:** The Community Co-Chair and Alternate Community Co-Chair may be recalled by the Community Members pursuant to the following procedure:

1. Community Members may prepare a written petition to recall the incumbent Community Co-Chair or Alternate Community Co-Chair, which must be signed by a minimum of 40% (rounded to the next higher whole number) of Community Members. The signed petition shall be submitted to the Community Co-Chair and Agency Co-Chair for inclusion in the next regular RAB meeting's agenda.

2. At the next regular RAB meeting, the Facilitator will open the recall petition for discussion according to the meeting procedures in these Bylaws. Discussion on the recall issue is restricted to Community Members. The incumbent Co-Chair shall be provided an opportunity to defend his or her conduct. On conclusion of the discussion on the recall petition, a motion may be made by a Community Member to recall the incumbent Co-Chair. Only the Community Members may vote on a motion for recall. To recall the officer, the motion to recall must be approved by a two-thirds vote of the Community Members present at the meeting.
3. If the Community Co-Chair or Alternate Community Co-Chair is recalled, an election to elect a new Co-Chair shall be held as soon as feasible according to the election procedures in these Bylaws. By a majority vote, Community Members may appoint a Temporary Community Co-Chair to perform the duties of a recalled Community Co-Chair until a new Community Co-Chair has been elected.

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## **Article VI. COMMITTEES**

### **VI-A. GENERAL PROVISIONS:** Committees shall conform to the following provisions:

1. **COMMITTEE MEMBERSHIP:** Any RAB Member may volunteer to serve on any committee. The Community Co-Chair shall appoint members of standing committees and a chairperson for each committee shall be chosen by majority vote of all committee members. Agency Members may participate in committee discussions.
2. **SPECIAL COMMITTEES:** The RAB, by majority vote of members present at a meeting, may form special committees, working groups or other select committees of interested members and technical advisors, to perform specific tasks as determined by the RAB. The Community Co-Chair shall designate an initial meeting time and place for newly formed committees.
3. **RESIGNATIONS & REPLACEMENTS:** Committee members may resign at any time by informing the Chairperson of the resignation. In the event of a resignation, the Community Co-Chair may appoint a replacement committee member.

### **VI-B. STANDING COMMITTEES:** The following standing committees are established. These standing committees shall meet at times and places designated by the committee members or Chairperson. Meetings shall be open to all RAB Members and to other persons invited by the committee to attend.

1. **PLANNING:** This committee shall discuss current and future clean-up issues, schedules and budgets, and plan for the RAB review, evaluation, discussion and comment on these issues. The Planning Committee prepares for the following regular RAB meeting. The Planning Committee will convene regularly on the fourth Tuesday of the month, at 7:00 PM in a location determined by the Community Co-Chair.
2. **RESTORATION & COMPLIANCE:** This committee shall review, inquire, evaluate, and respond to the RAB on draft and final documents, status reports, schedules, budgets and proposed/final plans related to the characterization, analysis, schedule, and restoration action on the Presidio. The subjects considered may include, but are not limited to, issues defined by CERCLA along with the following: asbestos-containing materials, lead-based paint, radiological-biological-chemical substances, landfill contents, unexploded ordnance, pesticides, herbicides,

military batteries, magazines, missile facilities, above-ground storage tanks, underground storage tanks, and other environmental issues of concern to the community.

3. **OUTREACH & EDUCATION:** This committee shall assist the Agency Co-Chair in informing the community, using local media outlets, of meeting announcements and agenda. The committee shall assist the Agency Co-Chair in the publication of a newsletter, fact sheets, internet site and other items to inform the community of the results of RAB reviews and evaluations of draft and final documents, status reports, and proposed and final plans relating to the clean-up effort.
4. **RULES:** This committee shall develop appropriate organization, ground rules and operating procedures to assure open, efficient and productive operation of the RAB. The purpose of the Rules Committee shall be to support the principles and apply the provisions of the Charter & Bylaws. Should the RAB authorize amendment of the Charter & Bylaws, the Rules Committee will prepare the amendment for presentation and approval as provided in these Bylaws.
5. **MEMBERSHIP:** This committee shall review and evaluate each application for membership and determine whether to recommend the applicant for membership. If there are unfilled community membership positions that the Membership Committee determines should be filled, the Membership Committee shall submit to the full membership the names and qualifications of those applicants it has approved. The Membership Committee shall review and evaluate each nominee for Facilitator and determine whether to recommend the candidate for approval. The Membership Committee shall review and decide whether to grant Leaves of Absence.

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## **Article VII. MEETINGS**

**VII-A. ORGANIZATION:** The RAB shall hold regular meetings to facilitate public participation and the review, evaluation and comment on environmental restoration program issues. The following meetings serve to promote the business of the RAB:

1. **RAB MEETINGS:** The regular monthly RAB meeting shall be open to the public. The regular monthly meeting will convene on the second Tuesday of each month at 7:00 p.m. at a public place within the Presidio of San Francisco, said place to be determined each month by the officers of the RAB.
2. **SPECIAL MEETINGS:** Subject to approval by a majority of all RAB Members present at a meeting, special meetings may be scheduled to provide additional presentation or discussion on pertinent PSF clean-up issues. Special meetings shall be open to the public and conform to the notification requirements and procedures for meetings set forth in these Bylaws.
3. **COMMITTEE MEETINGS:** The focus and purpose of committee meetings shall be authorized by a majority vote of Community Members present at a meeting. Committee meetings shall be open to all RAB Members and invited participants. Each committee shall determine, by majority vote of committee members present, the schedule and agenda of committee meetings. The Planning Committee will convene regularly on the fourth Tuesday of the month, at 7:00 PM in a location determined by the Community Co-Chair.

**VII-B. MEETING NOTIFICATION:** The following notification requirements apply to the meetings provided for by these Bylaws:

- 1) **RAB MEETINGS:** A meeting announcement and agenda will be provided to each member at least three working days prior to the regularly scheduled monthly meeting. Meeting announcements to members may be provided by phone call, e-mail, fax, mail or any combination thereof, as long as all members receive timely notice. Announcements of regular meetings shall be included in the "Presidio Post" publication, Trust internet website and in such other media as the RAB Community and Agency members shall, from time to time, select.
  - 2) **SPECIAL MEETINGS:** Special meeting announcements (giving the date, time and place of the special meeting along with a general statement of the purpose of the meeting) shall be provided to each member at least three working days prior to the special meeting. Special meeting announcements may be provided to members by phone call, e-mail, fax, mail or any combination thereof, as long as all members receive timely notice.
  - 3) **COMMITTEE MEETINGS:** Committee meeting location, date, time, and place shall be announced to RAB Members at the previous regular monthly RAB meeting, previous committee meeting or at least three working days prior to the scheduled committee meeting. Committee meeting announcements may be given verbally at meetings or by phone call, e-mail, fax, mail or any combination thereof.
- VII-C. AGENDA:** An agenda shall be prepared by the Community Co-Chair for each regular and special RAB meeting. The Agency Co-Chair shall propose items for inclusion in the agenda to the Community Co-Chair. The Community Co-Chair shall solicit input from Community Members on items and issues for presentation, discussion, review, and comment for inclusion in the agenda. Although the length of the meeting must be judiciously controlled, no reasonable request for inclusion of an agenda item shall be refused. The Community Co-Chair shall make the final determination of what shall be included in the agenda and shall prepare the final agenda in sufficient time for it to be sent and received by the Agency Co-Chair and all Community and Agency RAB members at least three working days prior to the RAB meeting
- VII-D. FACILITATOR:** The RAB may engage a Facilitator from outside the RAB or any member of the RAB. The Membership Committee shall evaluate Facilitator candidates, select a candidate and present the nominee for Facilitator at a regular RAB meeting. The appointment of a Facilitator shall be subject to the approval of a majority of the RAB Members present at a regular meeting. The Facilitator is to focus on the process of the meeting and seek an orderly and productive meeting, under the rules and procedures in these Bylaws. The participation and voting rights of the Facilitator shall be determined by a majority of the members present. The Facilitator serves at the pleasure of the RAB and may be terminated by a majority vote of the members present at a regular meeting.
- VII-E. RULES OF ORDER:** Robert's Rules of Order shall informally guide the conduct of regular and special meetings unless in conflict with these Bylaws, in which case the Bylaws shall control. These Bylaws do not require a strict interpretation of Robert's Rules of Order to govern the conduct of meetings.
- VII-F. QUORUM:** A quorum for the transaction of official business shall be 51 percent of the Community Members, rounded upward to the next whole number. For example, if there are 22 Community Members then  $0.51 \times 22 = 11.2$  or 12 Community Members are required to be present for a quorum.
- VII-G. RULES ON VOTING & MOTIONS:** The following procedures apply to voting and motions at regular and special RAB meetings:



1. Prior to a vote by either the entire Board or only the Community Members, a motion should be clearly stated by a member and seconded by a different member. The Co-Chair or Facilitator shall announce the motion to the assembly ensuring that members clearly understand the question.
2. Only one vote is allowed for each member including the co-chairs. A member may assign his or her voting proxy by a written statement delivered to the Community Co-Chair or Facilitator.
3. The number of votes required to approve a motion shall be calculated based upon the number of members entitled to vote on that issue who are present at the meeting at which the vote is being taken. The term "whole" shall mean all members (i.e. Agency Members and Community Members) present in person or by valid proxy at the meeting. The term "community" shall mean those Community Members who are present in person or by valid proxy at the meeting. Voting at meetings shall be pursuant to the following requirements:

| <u>ISSUE</u>                          | <u>WHO VOTES</u> | <u>REQUIRED VOTES</u> |
|---------------------------------------|------------------|-----------------------|
| Adjourn                               | whole            | majority              |
| Agenda (approval)                     | community        | majority              |
| Bylaws (amending)                     | whole            | 2/3                   |
| Clean-up Issues (advice)              | community        | majority              |
| Censure of Member                     | whole            | 2/3                   |
| Committee                             | community        | majority              |
| Community Co-Chair (elect)            | community        | majority              |
| Community Co-Chair (recall)           | community        | 2/3                   |
| Facilitator (authorize & appoint)     | whole            | majority              |
| Facilitator (terminate)               | whole            | majority              |
| Facilitator (participation rights)    | whole            | majority              |
| Membership (new appointment)          | community        | 2/3                   |
| Membership (reinstatement and leaves) | community        | majority              |
| Motion (amend and accept)             | community        | majority              |
| Minutes (authorization)               | community        | majority              |
| Minutes (amend & approval)            | community        | majority              |
| Special Meetings                      | whole            | majority              |

**VII-H. ORDER OF BUSINESS:** In addition to other applicable provisions of these Bylaws, the order of business at regular and special meetings shall, as far as is appropriate, be as follows and shall be presided over by the Community Co-Chair or designated Facilitator:

1. Announce the commencement of the meeting and determine the existence of a quorum. If a quorum is not present, official votes may not be taken, but the meeting may continue if a majority of the Community Members present agrees to do so. Official votes may occur later in the meeting if a quorum is achieved.
2. Review meeting procedures (rules, motions, and voting) as necessary for the orderly conduct of the meeting.
3. Request that new members, visiting agency regulators, and technical advisors present at the meeting identify themselves for the record.

4. Open the published agenda for the meeting to discussion by members. Request any motions of addition, deletion, or other modification to the published agenda. Proceed with the meeting's order of business including any modifications approved by a majority vote of Community Members present.
5. Request announcements from members or the public.
6. Review old business:
  - a. RAB Members shall review and approve the last meeting minutes (if minutes were prepared).
  - b. Discussion and comment on matters, issues, or tasks discussed but not resolved at past meetings.
7. Open for new business by the discussion and comment on agenda items as published and modified.
8. Present committee reports and announcements of upcoming committee meetings by the Community Co-Chair and/or representative of each active committee.
9. Review technical presentations, discussions and comments on agenda items as published and modified.
10. Present status and progress reports of ongoing clean-up activities, important and relevant decisions, budget and scheduling, and the anticipated dates of the release of related documents as provided by the Agency Co-Chair or representative.
11. Invite agency representatives to provide a status report of agency activities and decisions.
12. Invite members of the public to provide comment.
13. Request agenda items for the next scheduled meeting.
14. Present motion to adjourn subject to approval by a majority of members present.

**VII-I. DISCUSSION AND COMMENT:** For each agenda item, discussion and comment shall be entertained on each scheduled topic. The following procedures shall govern the orderly conduct of discussion and comment at regular and special RAB meetings:

1. Discussion and comment will normally be accepted only on the current agenda item in the following sequence of speakers: members, technical advisor(s), and the public. The Community Co-Chair or Facilitator shall judiciously limit the duration of discussion and comment to allow the remaining order of business to be completed.
2. During discussion and comment periods, a speaking time of no more than five minutes per person is essential to a fair, open, orderly and productive debate. When the issue or topic is of such a nature that more than five minutes per person may be necessary, the length of each speaker's remarks and the duration of the discussion and comment period shall be determined by a majority vote of RAB Members present.

**VII-J. TRANSCRIPT OF MEETINGS:** The Agency Co-Chair shall make best efforts to provide a complete, corrected transcript of each regular and special RAB meeting. The meeting transcript

shall be the official record of the meeting. The Agency Co-Chair shall maintain the meeting transcripts in the official information repository as part of the Administrative Record. The transcripts shall be available for inspection at the repository during normal business hours with a goal of being made available no later than two weeks following the meeting.

**VII-K. MINUTES OF MEETINGS:** At the discretion of a majority vote of Community Members, minutes of regular and special RAB meetings may be prepared. The minutes shall not replace the complete, corrected transcript of the meeting. If minutes are prepared, the following procedures apply:

1. **Preparation of Minutes** - Minutes of regular or special RAB meetings may be prepared by a designated member. If no member agrees to prepare minutes, then an outside person may be appointed to prepare minutes as approved by a majority vote of Community Members. Minutes shall reflect an accurate and objective summary of motions, discussion, debate, and voting on procedural and initiative matters.
2. **Authentication of Minutes** - Minutes shall be signed by the member or person who prepared the minutes and by the Community Co-Chair. If, on approval of the minutes at the next meeting, changes are directed by the RAB, then an addendum to the minutes will be prepared reflecting such changes and this addendum shall be signed by the Community Co-Chair and attached to the approved minutes.
3. **Disposition of Minutes** - Copies of the minutes shall be provided to each member at the regular RAB meeting following approval. Approved copies of minutes, with addendum if any, will be made available to the general public present at meetings and will be placed in information repositories; provided to regulators upon request and made a part of the official Administrative Record.

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## Article VIII. ANTI-DEFICIENCY ACT

Nothing in these Bylaws shall be construed to require the obligation, transfer, or payment of funds by any federal government entity in violation of the Anti-Deficiency Act or any other laws.

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## Article IX. AMENDMENT

**VIII-A. VOTING:** Amendment to the Charter & Bylaws may be made by a two-thirds vote of the voting members who are present, in person or by valid proxy, at the regular RAB meeting during which adoption of the amendment is brought to a vote.

**VIII-B. PROCEDURE:** The procedure for amending the Charter & Bylaws is as follows:

- 1.A proposed amendment shall be referred to the Rules Committee for writing. On completion of work by the Rules Committee, the Committee Chairperson shall submit the proposed amendment to the Community Co-Chair and Agency Co-Chair.

2. The Co-Chairs shall distribute copies of the proposed amendment to all members and shall place the amendment on the agenda for a regular meeting to be held at least 14 days, but not more than 60 days, after distribution of the proposed amendment to all members.
3. The proposed amendment shall be introduced at the meeting by a member of the Rules Committee who shall move for the adoption of the proposed amendment. The RAB shall debate the motion under the procedures for discussion and comment in these Bylaws. The proposed amendment must be approved by a two-thirds vote of those voting members present, in person or by valid proxy. The amended Charter & Bylaws shall become effective on the date of approval by the RAB.
4. The amended Charter & Bylaws shall be authenticated by being signed by the Community Co-Chair and Agency Co-Chair; filed as the approved record copy of the Charter & Bylaws, displayed on the Trust internet website, and retained as part of the Administrative Record.

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## Article X. AUTHENTICATION

- IX-A. PROCEDURE:** The purpose of authentication is to verify the official governing version of the Charter & Bylaws. The Community Co-Chair and Agency Co-Chair shall sign and date the certificate set forth below to evidence the adoption of the amended Charter & Bylaws by two-thirds vote of the voting members present, in person or by valid proxy, at a regularly called RAB meeting, and said amended Charter & Bylaws having become effective on the date of said vote.
- IX-B. DISPOSITION:** The approved record copy of the amended Charter & Bylaws shall be retained as part of the Administrative Record. Copies of the amended Charter & Bylaws shall be provided to each RAB member. A copy will also be placed at the official information repository and displayed on the Trust internet website.
- IX-C. SIGNATURE & DATE:** The following official signatures verify that the above amended and restated Charter & Bylaws was approved by a unanimous vote of voting members present, in person or by valid proxy, at the official monthly RAB meeting on October 14, 2003, the effective date of the amended Charter & Bylaws.

\_\_\_\_\_  
Mark Youngkin, Community Co-Chair

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Date

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Craig Cooper, Agency Co-Chair, Presidio Trust

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Date

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End of Charter & Bylaws